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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,228	10/28/2000	Suhail Nanji	004906.P008	8377

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EXAMINER	
WON, YOUNG N	

ART UNIT	PAPER NUMBER
2155	5

DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/699,228	NANJI ET AL.	
	Examiner	Art Unit	
	Young N Won	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 October 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-29 have been examined and are pending with this action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Araujo et al. (US 6108350 A).

INDEPENDENT:

As per claims 1 and 26, Araujo teaches a computer implemented method and a machine readable medium that provides instructions, which when executed by a set of

processors, cause said set of processors to perform the method comprising: receiving a subscriber session (see col.3, lines 17-22) with a first tunneling protocol (see col.2, lines 36-42); and switching the subscriber session out a second tunneling protocol (see abstract and col.2, line 63 to col.3, line 16).

As per claims 6, 9, and 12, Araujo teaches a computer implemented method comprising: receiving a subscriber session encapsulated (see col.1, lines 53-62 and col.2, lines 34-36) with a first of a plurality of tunneling protocol (see col.3, lines 17-22), the session having a control message (see col.1, line 67 to col.2, line 2); decapsulating the control message (see col.1, line 66 to col.2, line 3); using the control message to determine if the subscriber session is to be transmitted with a second plurality of tunneling protocol (see col.8, lines 9-31); if the session is to be transmitted with the second tunneling protocol, to creating a session structure indicating the second of the plurality of tunneling protocol associating the session with the session structure (see Fig.3A); and transmitting the subscriber session as indicated by the session structure (see Fig.3A, #306).

As per claims 16 and 23, Araujo teaches a network element comprising a circuit and an apparatus comprising a first network card (see col.7, lines 23-28) to receive a session or a set of data, the session or set of data being encapsulated (see col.1, lines 53-62 and col.2, lines 34-36) with a first tunneling protocol (see col.3, lines 17-22); a computer logic to determine if the session or set of data is to be transmitted with a second tunneling protocol (see col.3, lines 8-16); to encapsulate (see col.2, lines 34-42) the session or set of data with the second tunneling protocol if the computer logic

determines that the session or set of data is to be transmitted with the second tunneling protocol (see Fig.3A: #306 and col.3, lines 14-16); and to transmit the session or set of data (see col.6, lines 27-29) via a second network card (see col.7, lines 29-31).

As per claims 20, Araujo teaches a network element comprising: a tunnel decapsulation module to decapsulate a session received over an ingress tunnel according to a first or a plurality of protocols (see col.1, line 66 to col.2, line 3); a payload decapsulation module coupled to said tunnel decapsulation module to decapsulate a control packet that is part of said session (see col.1, line 66 to col.2, line 3); a control process coupled to said payload decapsulation module to determine if said session is to be transmitted over an egress tunnel that uses one of said plurality of protocols (see col.8, lines 9-31); a tunnel module, coupled to said tunnel encapsulation module and said control to process, to encapsulate the traffic from said session in the one of said plurality of protocols used for said egress tunnel (see col.2, lines 34-42).

DEPENDENT:

As per claim 2, Araujo further teaches wherein the subscriber session is a set of packets originating from a subscriber (see col.15, lines 47-52).

As per claims 3, and 27, Araujo further teaches wherein switching the subscriber session comprises: determining the subscriber session is to be transmitted with the second tunneling protocol; encapsulating the subscriber session with the second tunneling protocol; and transmitting the encapsulated subscriber session (see claim 16 and 23 rejection above).

As per claims 4, 13, 18, 24 and 27, Araujo further teaches wherein the first tunneling protocol can be a compulsory or voluntary protocol (implicit: see col.3, lines 17-22).

As per claims 5, 14, 19, 25, and 29, Araujo further teaches wherein the second tunneling protocol is a compulsory protocol (see implicit: col.4, lines 29-41).

As per claims 7, 8, 10, 11, and 17, Araujo further teaches of using the control message to determine if the session is to be transmitted with the second tunneling protocol (see col.3, lines 8-16), further comprising: retrieving a subscriber record or set of data by a control module (see col.8, lines 6-9); the record or set of data corresponding to the subscriber indicated by the control message (see col.8, lines 9-16); determining if the record or set of data indicates the subscriber is to be tunneled out (implicit: see col.8, lines 16 to 57); and if so, the record or set of data indicating the second tunneling protocol (see col.8, lines 49-57); and wherein associating the session to the session structure comprises processing the session as indicated by the session structure by a tunneling module (see col.1, line 66 to col.2, line 3).

As per claims 15 and 21, Araujo teaches of further comprising determining whether the second of the plurality of tunneling protocols is supported or stored locally, and to access the second of the plurality of protocols from a remote server if not supported or stored locally (see implicit: Fig.3A, #304 and col.12, lines 62-65).

As per claim 22, Araujo further teaches wherein said tunnel module includes at least two of said plurality of protocols (implicit: see col.7, lines 20-22 and 38-42).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Young N Won whose telephone number is 703-605-4241. The examiner can normally be reached on M-Th: 6AM-3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Young N Won

March 4, 2004

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER